

CITY COUNCIL PROCEEDINGS

Tuesday, September 21, 2010

1. CALL TO ORDER AND ROLL CALL

Mayor Osborne called the regular September 21, 2010 Council meeting to order at 6:07 p.m. in the Council Chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian and Morzel.

2. PUBLIC PARTICIPATION and COUNCIL/STAFF RESPONSE – 6:08 p.m.

1. Jim Budd commented that Boulder Outreach for Homeless Overflow (BOHO) started as his idea and is now an idea of the people of Boulder. He provided a cost estimate of \$237 per night for this valuable service the community has built. He expressed that he was honored to be a part of the effort and thanked Council for listening as the idea came forward.
2. Seth Brigham spoke to core values related to the immigration law and the homeless camping issue. He also felt Council should focus on the issue of the Iraq war and wasted dollars that affect the community. He read a poem called "license to kill."
3. Carolyn Brinski invited Council to a rally for homeless justice on October 2 from 4-7pm at the Courthouse on Pearl Street being held in conjunction with a national rally in Washington, D.C. for economic justice. She then read a statement from the ACLU in response to the court case of an individual who was ticketed for sleeping outside last winter when there was no BOHO shelter offered.
4. Terri Sternberg also spoke to the homeless camping issue expressing that the choice for the homeless was intolerable. The law is irretrievably broken.
5. Robert Sharpe supported a change in the homeless camping law. He reminded Council that silence is agreement with another Council member and requested that if a Council member disagrees with something another member says, please speak up and allow the public to respond. He thanked the Firefighters and all groups and individuals involved in the recent wildfire effort. He asked what the City of Boulder would do to help the people and nature impacted.
6. Tom deMers, a Longmont resident and writer, presented a flyer for the homeless rally and included an article that he wrote about homelessness. He spoke in opposition to the camping ordinance. Boulder has a tradition of kindness and compassion and this law goes completely in opposition to that tradition. He referenced the Colorado Springs law which he felt dealt with homelessness more effectively.
7. Rob Smoke supported the other speakers comments related to the homeless camping ordinance. He reflected on what he felt was a negative attitude among Council. He felt Council's pursuance of additional benefits was wrong when it couldn't help support the community's homeless.
8. Andrew Shoemaker with the Quiznos Pro Challenge race being held between August 30 and September 5 noted that an RFP was submitted. Denver would be the final stage. If there was a Boulder stage, it would be on Sunday September 4. The route committee would make the final decision. Council Member Morzel asked how many people he thought would participate. Mr. Shoemaker commented that it would attract teams from all over the world and would be one of the top races in the United States.

9. Ken Miller with Project Revive and the Cornerstone Church spoke in support of BOHO and thanked Council for supporting the program. He noted they were organizing a homeless clean-up effort along Boulder Creek to get the homeless involved. Please continue to support the nonprofits like BOHO and The Carriage House who are helping the community.

Council Member Karakehian noted that he was attending meetings related to homeless issues outside of Council efforts and would be reporting back to Council about those projects.

City Manager Response: - None

City Attorney Response: - None

City Council Response:

Council Member Gray thanked Jim Budd for his efforts with the BOHO program. She commented that The Carriage House would have a fundraiser on October 1 and invited the public.

Mayor Osborne thanked Jim Budd and other nonprofits for assisting with the homeless outreach effort. She noted it would be helpful to think through where the warming centers would be as winter approaches.

Council Member Morzel expressed that she hoped the City could help ensure the homeless had a safe place to sleep during the winter months and could get out in front of the issue.

3. **CONSENT AGENDA:** - 6:42 p.m.

A. **CONSIDERATION OF A MOTION TO ACCEPT THE AUGUST 17, 2010 CITY COUNCIL MEETING MINUTES.**

Council Member Gray requested a correction on page three noting that her comment about laptops for Council Members in the context of benefits should also be considered for Board and Commission members.

B. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE AUGUST 10, 2010 STUDY SESSION ON PROPOSED 2011 UTILITY RATES.**

C. **CONSIDERATION OF A MOTION TO ACCEPT THE AUGUST 10, 2010 STUDY SESSION SUMMARY ON THE RECREATION PROGRAM AND FACILITIES PLAN.**

D. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE AUGUST 26, 2010 STUDY SESSION REGARDING BOULDER HOUSING PARTNERS.**

E. **CONSIDERATION OF A MOTION TO CANCEL THE NOVEMBER 2, 2010 CITY COUNCIL MEETING DUE TO THE MUNICIPAL COORDINATED ELECTION AND TO RE-SCHEDULE THE COUNCIL MEETING TO WEDNESDAY, NOVEMBER 3, 2010.**

- F. **CONSIDERATION OF A MOTION TO ADOPT A RESOLUTION AUTHORIZING AND APPROVING AN ENERGY PERFORMANCE CONTRACT EXPECTED TO REDUCE ENERGY CONSUMPTION AND RESULT IN COST SAVINGS TO THE CITY; ESTABLISHING THE CITY OF BOULDER GREEN COMMUNITY PROGRAM; AUTHORIZING AND APPROVING A LEASE-PURCHASE FINANCING FOR THE FUNDING OF THE ENERGY CONSERVATION MEASURES UNDER THE ENERGY PERFORMANCE CONTRACT AND OTHER CAPITAL ASSETS; AND PROVIDING OTHER MATTERS RELATING THERETO.**
- G. **CONSIDERATION OF A MOTION TO ADOPT AN EMERGENCY ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF BOULDER, COLORADO OF ITS TAXABLE PENSION OBLIGATION BONDS, SERIES 2010, IN AN AGGREGATE PRINCIPAL AMOUNT OF \$9,070,000, FOR THE PURPOSE OF FUNDING ONGOING REQUIRED PENSION OBLIGATIONS OF THE CITY AND PAYING THE COSTS OF ISSUANCE OF THE SERIES 2010 BONDS; PRESCRIBING THE FORM OF SAID SERIES 2010 BONDS; PROVIDING FOR THE SALE OF SAID SERIES 2010 BONDS; PROVIDING FOR THE PAYMENT AND REDEMPTION OF SAID SERIES 2010 BONDS FROM AND OUT OF THE CITY'S GENERAL FUND AS APPROVED BY VOTE OF THE QUALIFIED ELECTORS OF THE CITY; PROVIDING OTHER DETAILS AND APPROVING OTHER DOCUMENTS IN CONNECTION WITH SAID SERIES 2010 BONDS; AND DECLARING AN EMERGENCY AND PROVIDING THE EFFECTIVE DATE HEREOF.**

City Clerk Lewis noted that the bond amount was \$9,070,000. She also noted there was a handout insert for page 20 and the items circled were the items that needed to be adopted so the item would be adopted as amended by that handout.

- H. **CONSIDERATION OF AN EMERGENCY ORDINANCE NO. 7758 TO MAKE A SUPPLEMENTAL APPROPRIATION OF THE 2010 TAXABLE PENSION OBLIGATION BOND PROCEEDS AND 2010 DEBT SERVICE ON THE 2010 TAXABLE PENSION OBLIGATION TO THE 2010 BUDGET IN THE GENERAL FUND.**
- I. **ITEMS RELATED TO SMARTREGS:**
1. **THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7724 REPEALING AND REENACTING CHAPTER 10-2, "HOUSING CODE" B.R.C. 1981 TO ADOPT BY REFERENCE, THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) WITH CERTAIN AMENDMENTS AND DELETIONS AND SETTING FORTH RELATED DETAILS.**
 2. **THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7725 AMENDING SECTION 4-20-18, "RENTAL LICENSE FEE," AND CHAPTER 10-3, "RENTAL LICENSES," B.R.C. 1981, TO PROVIDE FOR COMPREHENSIVE ENFORCEMENT OF CHAPTER 10-2 "PROPERTY MAINTENANCE CODE," B.R.C. 1981, THROUGH A SYSTEM OF RENTAL LICENSES FOR ALL DWELLING AND ROOMING**

ACCOMMODATIONS IN THE CITY RENTED TO TENANTS AND SETTING FORTH RELATED DETAILS.

3. **THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7726 AMENDING CHAPTER 4-4, "BUILDING CONTRACTOR LICENSE," CHAPTER 4-20, "FEES," CHAPTER 10-1, "DEFINITIONS," CHAPTER 10-2, "PROPERTY MAINTENANCE CODE," AND CHAPTER 10-3, "RENTAL LICENSES," B.R.C. 1981 REGARDING ENERGY CONSERVATION FOR EXISTING RESIDENTIAL RENTAL STRUCTURES, AND SETTING FORTH RELATED DETAILS.**

J. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 7760, AMENDING SECTIONS 1-2-1 AND 3-1-1 REGARDING DEFINITIONS; SECTIONS OF CHAPTER 3-2 "SALES AND USE TAXES" REGARDING CONSTRUCTION USE TAXES, TAXATION OF CONSTRUCTION EQUIPMENT, AND DEADLINE FOR SUBMITTING REBATE REQUESTS; SECTION 4-4-2, REGARDING THE DEFINITION OF "CONTRACTOR;" SECTION 4-20-4 REGARDING BUILDING CONTRACTOR LICENSE AND BUILDING PERMIT FEES; SECTION 10-5-2(H) REGARDING WORK EXEMPT FROM BUILDING PERMITS, AND SETTING FORTH RELATED DETAILS.**

K. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 7791 AMENDING SECTION 8-2-13, "DUTY TO KEEP SIDEWALKS CLEAR OF SNOW," B.R.C., 1981.**

Council Member Appelbaum moved, seconded by Morzel to approve the consent agenda, items 3A through 3K as amended. The motion carried unanimously 9:0. 6:48 p.m.

4. **CALL- UP CHECK IN:** - 6:48 p.m.

No interest was expressed.

ORDER OF BUSINESS

5. **PUBLIC HEARINGS:** - 6:49 p.m.

A. **CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO A DEVELOPMENT PROJECT ENTITLED THE ARMORY:**

1. **PROPOSAL TO CHANGE THE BOULDER VALLEY COMPREHENSIVE PLAN (BVCP) LAND USE MAP DESIGNATION FROM PUBLIC TO MEDIUM DENSITY RESIDENTIAL (#LUR2009-00061), AND**
2. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7749 TO REZONE A 5.24 ACRE PROJECT SITE LOCATED AT 4640 TABLE MESA DRIVE FROM RL-1 (LOW DENSITY RESIDENTIAL – 1) TO RM-1 (MEDIUM DENSITY RESIDENTIAL – 1).**

Council Member Appelbaum recused himself from the item.

The hearing was held under the quasi-judicial hearing procedures of the B.R.C.

City Clerk Lewis swore in all participants in the hearing.

Ex-parte Communications:

Tom Carr noted that there were numerous emails to the Council that would all become part of the public record.

Council Member Morzel disclosed that she had talked with people on both sides of the issue including neighbors and to her knowledge she gained no further information that was not included in the agenda materials.

Charles Ferro provided an introduction to the item. Karl Guiler then provided an overview of the property location, the current and proposed zoning, and the concept plan and site review details for the Table Mesa site. He then reviewed the future modifications process noting that changes to density or site layout would require a site review process. He pointed out that the site review was contingent upon the land use designation and zoning. Mr. Guiler then reviewed the Boulder Valley Comprehensive Plan policies that were utilized in analyzing the plan.

Council Questions:

Mayor Osborne commented that she felt the project was coming to Council after the fact. Charles Ferro responded that the process was rare but stressed that the site review was contingent upon the land use designation and zoning. Mayor Osborne requested that in the future, these types of items come forward to Council prior to the site review process.

Deputy Mayor Wilson commented that when the Junior Academy item came forward, it was the opposite process and still seemed backwards. Council Member Gray commented that perhaps the concept plan should come forward first as a suggestion.

Council Member Morzel asked about the public roadways and who would be paying for the construction. Staff responded that this was the applicants' responsibility and then the City would become responsible for the maintenance. Regarding the 50 foot cul-de-sac, she asked why it was necessary as it looked like the road could go all the way around. Staff explained how the public rights-of-way were incorporated into the site plan. She asked why the path didn't go all the way through to the school property. Staff explained this was school property and there was no regulatory authority to require it be built. The school was currently leased to a charter school. The school district was very supportive of a future connection being built. Ms. Morzel asked what the square footage would be of the single family homes. The square footage was around 2,000 with the potential of up to 3,000 sq. ft. or more but would be difficult to achieve under the compatible development requirements.

Staff then responded to Council Member Morzel's question related to saving healthy, mature trees commenting that several silver maple and other mature trees would be retained. In addition, 8,000 sq. ft. of open space (including landscaping) was being

included within the right of ways.

Council Member Ageton clarified that the rear yard set-back required was 25 feet.

Council Member Becker asked what the width of the lot to the east of the path (from the path) to Tantra Drive was. Staff responded it was approximately 90 feet.

Council Member Cowles asked why the Charter school objected to continuing the path. Council Member Becker responded that the school felt it may be unsafe for children to go through private development and they were concerned about students going behind the fence to skip school. The school preferred a single point of access.

Council Member Gray noted that Go Boulder may want to speak to the Charter school and the School District about negotiating other options for the path.

The public hearing was opened: - 7:36 p.m.

1. Elizabeth Allen, Boulder, 80301 felt Boulder was being sold out to developers which takes away from Boulder's character.
2. David Cole, 610 S. 46th Street, asked for a dialogue on several issues including the unintended consequences of minor revisions such as the third story basements and ambiguousness of some of the language related to voluntary agreements.
3. Lewis Wackler, 550 S. 46th Street, applauded the development group in making the project more workable. Along the low density side, he hoped that he didn't get an apartment building in his backyard that devalues his home. He would like to see it stay single family homes next to their single family homes.
4. Ruth Blackmore, 705 S. 41st Street, supported the other speakers' comments and asked for something in writing to ensure single family homes remain in the plan. She raised concern about the public not having adequate notice to speak to the call-up item back in June. Please don't allow the buildings to be over 2 stories high.
5. David Hughes, 630 S. 46th Street, expressed that this was an opportunity to build low density housing where young families can come in. He supported leaving the property as low density.
6. Richard Palmer-Smith, Boulder, 80302, enthusiastically supported the project. He felt the designers had done a lot to try and mitigate concerns raised by neighbors.
7. Onnig Kouyoumdjian, Boulder, 80304, representing his parents who live on 46th Street, commented that his parents concur with other speakers that it would be great to keep the low density on the site.
8. Anthony Cleaver, 2929 Tincup circle, felt the designers and developers had done a wonderful job with the plan and keeping a nice neighborhood feel.
9. John Jenkins, 1030 Pine Street, expressed that the developers had done a tasteful and creative job of mitigating the neighbors concerns with an agenda of creating a higher density housing with affordable housing incorporated. Please pass the ordinance.
10. Janet Waide, 605 S. 46th Street, commented that with low income housing there would likely be children and she suggested doing away with two of the townhomes in the middle and incorporating a focal point that would be a place for kids. She also wondered if the fire exit off of Table Mesa would be blocked.

There being no further speakers the public hearing was closed.

Council Member Becker asked if the west side could be changed to apartments or condominiums in the future. Staff responded that any significant change would require another site review process.

Council Member Morzel asked why the property wasn't zoned for low and medium density residential.

Council Member Becker moved, seconded by Ageton to approve a change to the Boulder Valley Comprehensive Plan (BVCP) land use map designation from Public to Medium Density Residential, and to adopt Ordinance No. 7749 to rezone the property from RL-1 (Low Density Residential-1) to RM-1 (Medium Density Residential -1). The motion carried unanimously 8:0; Appelbaum recused. – 8:38 p.m.

B. THREE ITEMS RELATED TO TREE PROTECTION: - 8:39 P.M.

- 1. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7712 AMENDING TITLES 4 AND 6, B.R.C. 1981 TO ESTABLISH REQUIREMENTS FOR CERTIFIED ARBORISTS LICENSES AND OTHER REQUIREMENTS RELATED TO THE PLANTING, CUTTING, REMOVING, OR APPLYING OF PESTICIDES TO ANY TREES; AND**
- 2. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7713 AMENDING TITLE 8, B.R.C. 1981 TO CREATE AN AFFIRMATIVE OBLIGATION OF ADJACENT PROPERTY OWNERS TO MAINTAIN STREET TREES AND TITLE 9, B.R.C. 1981 TO ESTABLISH TREE PROTECTION REQUIREMENTS IN THE SITE REVIEW, SUBDIVISION, AND LANDSCAPING STANDARDS; AND**
- 3. A REQUEST FOR COUNCIL DIRECTION ON PHASE 2 ACTIVITIES FOR FURTHER DEVELOPMENT OF TREE PROTECTION STANDARDS AND REGULATIONS.**

Elizabeth Lokocz from the Planning Department provided an overview of the item and then addressed some of the questions asked by Council Members on March 2nd including specific questions related to trees on adjacent properties.

Deputy Mayor Wilson requested clarification about when a shrub becomes a tree. Staff responded that it has to do with the trunk size. Deputy Mayor Wilson expressed that his concern was mostly related to side yards.

Council Member Appelbaum raised concern that the section concerning mitigation requirements on page 5 of the memo was unclear. City Attorney Tom Carr responded that there were other existing code sections that address exemptions for the city permit and that the codes are consistent. Council Member Appelbaum also raised concern about what it means to be a certified arborist versus someone who may get paid to clean up after storms.

Mayor Osborne commented that she would like to see a robust incentive kind of

program developed in Phase II.

Mayor Osborne left the meeting at 9:30 p.m.

Council Member Ageton raised concern about using the word adjacent in sections 8 and 9 and the fact that it means different things in each section. She also raised concern about section 9-2-14 Site Review noting that the city was requiring applicants to get information about their neighbors property and make a statement about what they're going to do with the trees on their neighbors property. City Attorney Tom Carr presented three language options to address her concern and an explanation of the use of the word 'adjacent' in different code sections.

Council Member Ageton asked how the City would go about ensuring arborist licensing. City Forester Kathleen Alexander responded that three options would be available: 1) already ISA certified, 2) reciprocal licensing with neighboring cities or 3) a City in-house exam that could be administered.

Council Member Gray commented that she would like to see incentives incorporated in Phase II for residents who are preserving unique tree specimens. Council Member Gray clarified that the Transportation department did not have to go through the same site review approval process as residents and therefore was not required to plant trees, other than where trees were removed. She would like this addressed in Phase II.

Council Member Karakehian expressed that he was still uncomfortable with the terminology and definition of licensed arborists and what that means when a tree farm comes to install a tree. He questioned the need and benefit of requiring a certified arborist to plant a tree in a yard. He also raised concern about the mulching requirements noting that the city doesn't mulch its large trees and requiring this would be difficult to enforce.

Council Member Cowles asked whether Xcel required certified arborist when they trim trees. Staff responded that they hire certified arborists to assess but she wasn't sure if they actually did the trimming.

There being no speakers the public hearing was closed. – 10:05 p.m.

Council Member Gray moved, seconded by Morzel to adopt Ordinance No. 7712 amending Titles 4 and 6, and 6, B.R.C. 1981 to establish requirements for certified arborists licenses and other requirements related to the planting, cutting, removing, or applying of pesticides to any trees; and to adopt Ordinance No. 7713 amending Title 8, B.R.C. 1981 to create an affirmative obligation of adjacent property owners to maintain street trees and Title 9, B.R.C. 1981 to establish tree protection requirements in the site review, subdivision, and landscaping standards.

Council Member Cowles moved, seconded by Appelbaum to amend the main motion by substituting the option A language in ordinance 7713 in subparagraph 13 (the lime green handout) that reads:

“A general landscaping plan at the time of initial submission to be followed by a detailed landscaping plan prior to or as a condition of approval showing

the spacing, sizes, specific types of landscaping materials, quantities of all plants and whether the plant is coniferous or deciduous. All trees with a diameter of six inches and over measured fifty-four inches above the ground on the property or in the landscape setback of any property adjacent to the development shall be shown on the landscaping plan with a statement of whether the tree will be adversely affected and if so whether applicant proposes to mitigate the impact on the trees.”

Council Member Gray asked how many arborist licenses were held by city of Boulder staff members.

Council Member Appelbaum moved, seconded by Morzel to offer a substitute motion to continue the tree ordinance discussion for a future meeting at a time that CAC suggests. The motion carried unanimously, 8:0 Osborne absent. – 10:35 p.m.

Council Member Appelbaum moved, seconded by Ageton to suspend the rules and continue the meeting at 10:35 p.m. The motion carried unanimously.

Tree Ordinance Phase II Discussion - 10:37 p.m.

Council Member Becker would like to see a consistent street tree plan in place. She was not very keen on the landmarking of trees or tree removal permits. She was in favor of the mitigation requirements with discretionary review moving forward.

Council Member Cowles was in favor of the street tree plan and addressing examples 5 and 6 on page 35 of the memo.

Council Member Gray was interested in talking about landmarked trees with a catalog of trees as a result. She would like to get the street tree canopy project in place. Provide more flexibility in the land use regulations for residents to avoid harming mature trees. And finally, seek to ensure city department compliance.

Deputy Mayor Wilson would like to see the issue discussed about the aging population of mature Maples that are declining and not being replaced. He would like staff to think of street trees in the context of SmartRegs and Point of Sale.

Council Member Ageton agreed with Deputy Mayor Wilsons comments. She would like staff to work on incentives and reward the stewardship of trees rather than being overly regulatory. She would like to see an inventory of public trees.

Council Member Morzel agreed with Council Member Ageton’s comments and was interested in the landmarking and incentives. She would like to see flexibility and trade offs.

Council Member Karakehian was supportive of developing the street tree canopy plan and liked the incentives idea. He commented that he may not support the landmarking idea. He supported Mayor Osborne’s idea of a bonus for trees or the city giving the public trees it would like to see grown in a specific area. He did not like the tree removal permit idea.

Council Member Appelbaum generally agreed with the previous comments and noted that the street tree canopy plan was interesting. He raised concern about

landmarking trees and the tree removal permit. It would be worth looking at the landmarking idea and the mitigation requirements.

6. **MATTERS FROM THE CITY MANAGER:** - 10:56 p.m.

City Manager Brautigam and Executive Director of Community Planning David Driskell commented that all Energy Roundtable sessions would be noticed in the News From City Hall ad. An e-mail address on the web site is active for public comment and the listserv will be available soon. An agenda and additional materials will be sent out on Friday to Council and more information about public outreach activities will be provided on Tuesday. He provided a handout showing a list of meetings taking place prior to the next Energy Roundtable consisting of meetings with technical expert invitees, large utility customers, small/start-up businesses and community organizations. Council Members were invited to participate and welcome members of the groups at the upcoming meetings.

Council Member Ageton moved, seconded by Morzel to suspend the rules and continue the meeting at 11:05 pm. The motion carried unanimously, 8:0; Osborne absent.

7. **MATTERS FROM THE CITY ATTORNEY:** - 11:05 p.m.

City Attorney Tom Carr referenced a blue handout and requested Council make a motion to call a public hearing on October 19 for the Cherryvale utility agreements.

Council Member Becker moved, seconded by Morzel to schedule de novo public hearings on October 19, 2010 at 6 p.m. or as soon thereafter on that date as the matter can be heard, pursuant to Boulder Revised Code Sections 11-1-15, "Out-of-City Water Service," B.R.C. 1981 to consider whether out-of-city utility permits issued by the city manager for properties located at 997, 1015, 1066 and 1275 Cherryvale Road meet the standards prescribed for issuance of such permits under the Boulder Revised Code.

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:**

A. **POTENTIAL CALL-UPS:**

1. **LANDMARK ALTERATION CERTIFICATE TO CREATE A NEW OPENING AND ADD A NEW WINDOW IN THE EAST FACING DORMER AT THE CONTRIBUTING HOUSE LOCATED AT 1128 MAXWELL AVENUE IN THE MAPLETON HILL HISTORIC DISTRICT (HIS2010-00139). INFORMATION PACKET DATE: SEPTEMBER 14, 2010. LAST OPPORTUNITY FOR CALL-UP IS SEPTEMBER 21, 2010. CONDITIONALLY APPROVED BY THE LANDMARKS BOARD 5-0.**

No action was taken on this item.

9. **PUBLIC COMMENT ON MATTERS:**

None.

10. **FINAL DECISIONS ON MATTERS:**

Vote was taken on the motion to schedule de novo public hearings on October 19, 2010 at 6 p.m. or as soon thereafter on that date as the matter can be heard, pursuant to Boulder Revised Code Sections 11-1-15, "Out-of-City Water Service," B.R.C. 1981 to consider whether out-of-city utility permits issued by the city manager for properties located at 997, 1015, 1066 and 1275 Cherryvale Road meet the standards prescribed for issuance of such permits under the Boulder Revised Code. The motion carried unanimously 8:0; Osborne absent. 11:11 p.m.

OTHER MATTERS:


Council Member Morzel raised concern that she would like to see the Library vacancy remain open for recruitment rather than making appointments on October 5.

Deputy Mayor Wilson agreed that CAC would re-visit the matter at its next meeting.

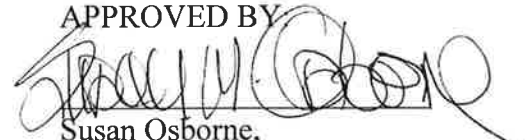
11. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 11:12 P.M.

ATTEST:


Alisa D. Lewis,
City Clerk

APPROVED BY


Susan Osborne,
Mayor